IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4523 OF 2003

Popat Amruta Rakibe .. Petitioner

Versus

Namdeo Baburao Deokar & Ors. .. Respondents

Mr.Anil Kumar Patil for petitioners

Mr.Kishore Patil for respondent No.1.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 12th January 2006.

P.C.

. Heard Mr.Patil for petitioner and Mr.Kishore Patil for contesting respondent No.1. Mr.Patil for petitioner makes a serious grievance

that the Commissioner in revisional jurisdiction does not have powers of re-appreciating and/or re-appraising materials and recording conclusions distinct and separate from those of the appellate authority, when he also does not dispute the fact that no documents claiming right, title and interest in the subject well has been placed on record.

2. In my view, the revisional authority viz., Additional Commissioner, Nashik was exercising powers while taking cognisance of grievance pertaining to entries in the record of rights which are necessarily made for the purpose of assessment and collection of revenue. Such entries do not decide right, title and interest of persons in immovable properties and such adjudication is subservient and subordinate to that done by competent civil court. Therefore, his observations and findings would not bind the civil court while entertaining a civil suit at

the instance of petitioners. Equally, it would be open, when such suit is filed, to the contesting respondent to demonstrate that he has right, title and interest in the immovable property by placing materials in addition to those produced before revenue authority. With these observations petition need not be entertained and is accordingly dismissed.

(S.C.DHARMADHIKARI, J)